IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1100 (M/S) of 2006

1. Pradeep Kumar Gautam, son of Sri Mahesh Dutt Gautam, resident of Village and P.O. – Bhagwanpur, District Hardwar.

2. Ramesh Kumar Chauhan, son of Sri Kehar Singh Chauhan, resident of VPO Khubbapur, District – Hardwar.

.....Petitioners

Versus

1. State of Uttaranchal through Secretary, Ministry of Education, Civil Secretariat, Dehradun.
2. State Council of Education Research and Training, Uttaranchal, Narendra Nagar, Tehri Garhwal through its Director.
3. Director of Education (Basic), Government of Uttaranchal, Dehradun, Uttaranchal.
4. District Institute of Education and Training, Hardwar through its Principal.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Miglani, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this petition, the petitioner has prayed for the following reliefs:

I. To summon the compete record pertaining to the case.

II. Issue a writ, order or direction in the nature of Mandamus directing the respondent authorities to consider the candidature of the petitioner for their admission in Special BTC Course in other District Institute of Training &

Research of the State as per advertisement dated 05.11.2005 and 06.11.2005.

III. *Issue any other suitable order or direction, as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

IV. *Award cost of the petition to the petitioner.*

On 05.11.2005 Additional Director, SCERT, Narendra Nagar, District – Tehri Garhwal, published an advertisement in newspaper inviting applications for selection in Special BTC Training from SC, ST and OBC Candidates. On 06.11.2005 a corrigendum was issued by the same authority to fill up the vacant seats of Special BTC Training from amongst General, SC, ST and OBC candidates.

The submission of the petitioners is that they have applied in pursuance to the corrigendum. Counselling was held on 16.11.2005, however, petitioner were not permitted to participate in counselling for the reasons best known to the respondents.

Learned counsel for the respondents has pointed that SCERT has now issued fresh advertisement on 09.07.2006 inviting application for selection in Special BTC Training for the year 2006-07.

The submission of the learned counsel for the respondents is that in case , petitioners are eligible for selection in Special BTC Training they may apply in pursuance to the advertisement dated 09-07.2006.

Learned counsel for the petitioner has submitted that petitioners have now become over age and they cannot apply in

pursuance to the advertisement dated 09.07.2006. They were eligible to be selected for Special BTC Training in pursuance to the earlier advertisement issued by SCERT. They had applied in pursuance to that advertisement, however, they were not permitted to participate. Aggrieved with the impugned order petitioners have already moved representation dated 06.01.2006 before Director of Education, SCERT, Narendra Nagar, Tehri Garhwal, which is Annexure No. 7 to the writ petition.

Learned counsel for the respondents has submitted that there is no post of Director of Education, SCERT, Narendra Nagar, Tehri Garhwal and petitioners are not aware to whom the representation should be addressed.

Without going into the merit of the case, I deem it fit and proper to direct Additional Director, SCERT, Narendra Nagar, Tehri Garhwal to take decision on the representation of the petitioners dated 06.01.2006 (Annexure No. 7 to the writ petition) within a period of four weeks from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 18, 2006
SKSharma